Francisco Vidal
Name
HDSP Po Box 650
Indian Springs NV 89070
0094910
Prison Number

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COUNSEL/PARTIES OF RECORD
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CLERK US DISTRICT COURT
DISTRICT OF NEVADA
BY: DEPUTY

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Francisco Vidal, Plaintiff,	
vs.	**CASE NO.** 15CV01943 (To be supplied by the Clerk)
Joseph Schmitt P# 3411, Enrique Hernandaz P# 7567, Cynthia Sauchak P# 4968, Matthew Jogodka P# 7587, Joe Lombardo, Sheriff, Defendant(s).	**CIVIL RIGHTS COMPLAINT PURSUANT TO 42 U.S.C. § 1983** Jury trial demanded

A. JURISDICTION

1) This complaint alleges that the civil rights of Plaintiff, Francisco Vidal, (Print Plaintiff's name) who presently resides at HDSP Po Box 650 Indian Springs NV, were violated by the actions of the below named individuals which were directed against Plaintiff at Clark County, Las Vegas Nevada (institution/city where violation occurred) on the following dates Oct 17 2013 (Count I), ______ (Count II), and ______ (Count III).

Make a copy of this page to provide the below information if you are naming more than five (5) defendants

2) Defendant Joseph Schmitt P# 3411 resides at LVMPD,
(full name of first defendant) (address if first defendant)
and is employed as Patrol Officer P#3411. This defendant is sued in his/her
(defendant's position and title, if any)
X individual ____ official capacity. (Check one or both). Explain how this defendant was acting

under color of law: was working as a Metro Patrol Officer

3) Defendant Enrique Hernandez resides at LVMPD,
(full name of first defendant) (address if first defendant)
and is employed as Metro Detective P#7567. This defendant is sued in his/her
(defendant's position and title, if any)
X individual ____ official capacity. (Check one or both). Explain how this defendant was acting

under color of law: was working as Metro Detective

4) Defendant Cynthia Sauchak resides at LVMPD,
(full name of first defendant) (address if first defendant)
and is employed as Metro ANS P# 4968. This defendant is sued in his/her
(defendant's position and title, if any)
X individual ____ official capacity. (Check one or both). Explain how this defendant was acting

under color of law: was working as Metro ANS

5) Defendant Matthew Jogodka resides at LVMPD,
(full name of first defendant) (address if first defendant)
and is employed as Metro Detective P#7587. This defendant is sued in his/her
(defendant's position and title, if any)
X individual ____ official capacity. (Check one or both). Explain how this defendant was acting

under color of law: Conspired with on duty fellow Officers

6) Defendant Joe Lombardo resides at LVMPD,
(full name of first defendant) (address if first defendant)
and is employed as Clark County Sheriff. This defendant is sued in his/her
(defendant's position and title, if any)
___ individual X official capacity. (Check one or both). Explain how this defendant was acting under color of law: Holds office of Clark County Sheriff

7) Jurisdiction is invoked pursuant to 28 U.S.C. § 1343 (a)(3) and 42 U.S.C. § 1983. If you wish to assert jurisdiction under different or additional statutes, list them below.

B. NATURE OF THE CASE

1) Briefly state the background of your case.

Defendants worked together concealing facts and perjuring reports concerning the drowning death of my 2yr old daughter in a fellow Metro officers pool. The defendants use false names on reports and fix the scene while maliciously pursuing criminal charges against the mother and I in a attempt to protect Detective Matthew Jogodka from civil liability.

C. CAUSE OF ACTION

COUNT I

The following civil rights has been violated: Right to due process and equal protection as guaranteed by the Fourteenth Amendment was violated

Supporting Facts: [Include all fact you consider important. State the facts clearly, in your own words, and without citing legal authority or argument. Be sure you describe exactly what each specific defendant (by name) did to violate your rights].

October 17 2013 Detective Matthew Jogodka found my 2yr old daughter floating beneath the solar cover of his pool located in the backyard of the home he was renting at 7742 Morningcove ct. He pulls her from the water and runs out front into the street were the childs mother had been franticly searching for her. Det. Jogodka brings the mother the body of her child. His wife Heather Jogodka calls 911 initiating Event #131017-3204. She relays instructions to do CPR to neighbors who perform CPR until paramedics arrive. As the mother is being transported via ambulance with the lifeless body of her child to Centennial Hills hospital where she would later be pronounced dead. Metro arrive at the scene and make contact with their fellow officer Det. Jogodka. They relize that our 2yr old child was able to gain access to Det. Jogodka's backyard pool area where she lost her life, by simply walking between the widely spaced bars on the southside gate. (Gates securing pools are required to have bars spaced no more than four inches apart to prevent child drownings) Det. Jogodka and his follow officers attempt to conceal his [illegible]

[illegible]

faulty southside gate by having it fixed with the installation of wiremesh across it widely space bars before taking photos of the scene. Det. Jogodha and his fellow officers also attempt to conceal his involvement by using the Identity of Davd Davis and Kari Davis in place of Matthew Jogodha's and Heather Jogodha's true identity on reports and recorded audio statements.

Detective Hernandez conducts recorded audio statements with his fellow officer Detective Matthew Jogodha and Heather Jogodha using the names David and Kari Davis. Det. Jogodha does not disguise his vioce on the recording, inadvertently makes refrences to working as a detective and gives the names and birthdates of his biological daughters Emma and Malia Jogodha while posing as being a David Davis.
(Review on Youtube: 03 David Davis statement October 17 2013)
01 Kari Davis statement October 17 2013

Officer Schmitt perjures his official report by using the names DOBs and ssn's of David Paul Davis and Kari frances Davis (A married couple who reside in Terre Haute IN) in place of Matthew Jogodha and Heather Jogodha (Daughter of Metro area comand LT. Snodgrass) Off. Schmitt also fabricates written statements. Using his print style writting he fabricates a David Davis statement. Using his corsive style writting he fabricates a Kari Davis statement. He also fabricates signatures on each statement and a consent to search form using his distict style writting (See in Exhibit A)

Cynthia Sauchak perjures her official report by using the names David Davis and Kari Davis in place of Matthew Jogodha and Heather Jogodha. Sauchak also conceals CSI reports and photos done by CSI Amanda Wright documenting the southside gate as being the point of entry to det. Jogodha's backyard. Sauchak does not submit CSI Amanda Wright's photo's and messurements of the southside gate's widely spaced bars. Sauchak instead submits photo's taken of the scene after the southside gate has been fixed with wiremesh installed across its bars and a large trailer has been parked blocking the northside gate from closing, to make it appear as the point of entry. (See in Exhibit A)

Det. Jogodha participates in recorded statement using the name David Davis to conceal his identity and works with fellow officers fixing the scene on his property to conceal southside gate. Before his fellow officers arrive Det. Jogodha calls 911, identifies himselfs as Det. Jogodha and identifies his wife Heather Jogodha as being the one who made the initiating 911 call. Det. Jogodha tells dispatcher to have officers contact him if they want to get statements.
(Review on Youtube: 02 911 call October 17 2013) (First call is Heather Jogodha's initiating 911 call, last call is Matthew Jogodha's 911 call)

After his fellow officers arrive Det. Jogodha and Heather Jogodha give recorded statements, using the same distint vioces recorded on their 911 calls, however now their identifying themselfs as David Davis and Kari Davis.
Review on Youtube: 03 David Davis statement October 17 2013
01 Kari Davis statement October 17 2013

The defendants conspired togerther violating my rights with malice intent and reckless disregard for due process, equal protection of law and their oaths as officers use false names and fix the scene while maliciously pursuing criminal charges against the mother and I in a attempt to protect their fellow officer from civil liability for the wrongful death of a child due to an inadequately fenced pool.

The childs mother Sandra Scharas and I have reported these officers actions to Sargent Warren at Metro Internal Affairs. Sgt. Warren asked us to email her evidence, assured us she would begin an investigation rightaway and contact us shortly. After Emailing Sgt. Warren photo's and audio of Det. Jogadka along with a long list of withesses who identify him as the man who carried our child from his backyard and came to court to testify as David Davis. We never heard from Sgt. Warren again. All our follow up calls were fielded by the Internal Affairs secretary who would place us on hold then come back on the line to tell us Sgt. Warren was unavilable, didnt know when or if she would become avilable, and when we would ask to speak with a supervisor we were told there was noone else we could speak to. After months without a single call being returned we came to the grim realization That even Internal Affairs was going to protect their fellow officers.

Stating it briefly these officers malice actions have caused Sandra Scharas and I unimaginable pain and suffering aswell as extreme mental distress in the wake of our 2yr old daughters death.

Note: Detective Matthew Jogadka and Heather Jogadka currently reside at 3701 Glen Bidge way. Attorney Steven Bied went to this address and met face to face with Matthew and Heather Jogadka who presented themselfs as David and Kari Davis. Photos of the Jogadkas can be found on their facebook acounts they created using the names David and Kari Davis. Also see teenchallenge.net.

COUNT II

The following civil rights has been violated: ______________________________

Supporting Facts: [Include all fact you consider important. State the facts clearly, in your own words, and without citing legal authority or argument. Be sure you describe exactly what each specific defendant (by name) did to violate your rights].

COUNT III

The following civil rights has been violated: ______________________________

____

____

Supporting Facts: [Include all fact you consider important. State the facts clearly, in your own words, and without citing legal authority or argument. Be sure you describe exactly what each specific defendant (by name) did to violate your rights].

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D. PREVIOUS LAWSUITS AND ADMINISTRATIVE RELIEF

1) Have you filed other actions in state or federal courts involving the **same or similar facts** as involved in this action? ____ Yes X No. If your answer is "Yes", describe each lawsuit. (If more than one, describe the others on an additional page following the below

outline).

a) Defendants: ______________________________

b) Name of court and docket number: ______________________________

c) Disposition (for example, was the case dismissed , appealed or is it still pending?): ______________________________

d) Issues raised: ______________________________
____
____

e) Approximate date it was filed: ______________________________

f) Approximate date of disposition: ______________________________

2) Have you filed an action in federal court that was **dismissed because it was determined to be frivolous, malicious, or failed to state a claim upon which relief could be granted?** ____ Yes __X__ No. If your answer is "Yes", describe each lawsuit. (If you had more than three actions dismissed based on the above reasons, describe the others on an additional page following the below outline.)

Lawsuit #1 dismissed as frivolous, malicious, or failed to state a claim:

a) Defendants: ______________________________.

b) Name of court and case number: ______________________________.

c) The case was dismissed because it was found to be (check one): ______ frivolous ____ malicious or ____ failed to state a claim upon which relief could be granted.

d) Issues raised: ______________________________
____

e) Approximate date it was filed: ______________________________

f) Approximate date of disposition: ______________________________

Lawsuit #2 dismissed as frivolous, malicious, or failed to state a claim:

a) Defendants: ______________________________.

b) Name of court and case number: ______________________________.

c) The case was dismissed because it was found to be (check one): ______ frivolous ____ malicious or ____ failed to state a claim upon which relief could be granted.

d) Issues raised: ______________________________

e) Approximate date it was filed: ______________

f) Approximate date of disposition: ______________

Lawsuit #3 dismissed as frivolous, malicious, or failed to state a claim:

a) Defendants: ______________________________.

b) Name of court and case number: ______________________________.

c) The case was dismissed because it was found to be (check one): ______ frivolous ____ malicious or ____ failed to state a claim upon which relief could be granted.

d) Issues raised: ______________________________

e) Approximate date it was filed: ______________

f) Approximate date of disposition: ______________

3) Have you attempted to resolve the dispute stated in this action by seeking relief from the proper administrative officials, e.g., have you exhausted available administrative grievance procedures? X Yes X No. If your answer is "No", did you not attempt administrative relief because the dispute involved the validity of a: (1) ____ disciplinary hearing; (2) ____ state or federal court decision; (3) ____ state or federal law or regulation; (4) ____ parole board decision; or (5) X other Action is against Merco and has nothing to do with NDOC. If your answer is "Yes", provide the following information. Grievance Number [illegible]. Date and institution where grievance was filed This lawsuit is Exempt.

~~Response to grievance~~: NDOC AR 740: States: Only inmate claims arising out of, or relating to, issues within the authority and control of the department may be submitted for review and resolution. [illegible]

E. REQUEST FOR RELIEF

I believe that I am entitled to the following relief:

For injunctive relief I ask that Joe Lombardo fully investigate these officers misconduct and put a stop to it. For monetary relief I am asking $5 million for pain, suffering and mental distress as well as $5 million for Punitive damages.

I understand that a false statement or answer to any question in this complaint will subject me to penalties of perjury. **I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE UNITED STATES OF AMERICA THAT THE FOREGOING IS TRUE AND CORRECT.** See 28 U.S.C. § 1746 and 18 U.S.C. § 1621.

(Name of Person who prepared or helped prepare this complaint if not Plaintiff)

Vidal
(Signature of Plaintiff)

9-25-15
(Date)

(Additional space if needed; identify what is being continued)

Exhibit A

Photos Taken

Synopsis

Investigation

Scene

Body

Evidence at Scene

Notes:

Properties

Solvability

02. WITNESS PRESENT - OTHER
11. CRIMINALISTICS WORK WAS PERFORMED

Modus Operandi

MO General
Occupied? Yes
General Premise Single Family Residence
Surrounding Area Cul-de-Sac
Specific Premise Other

MO Against Property
Entry Point
Entry/Attempt Method
Safe Entry
Victim Location
Maid
Exit Point
Entry Tool
Suspect Actions
Electronic Locks
Inspectress
Entry Location
Vehicle Entry
Additional Factors
Video Surveillance

MO Against People
Victim-Suspect Relationship
Victim Condition
Suspect Pretended to Be
Sexual Acts
Pre-Incident Contact
Suspect Solicited/Offered
Suspect Actions
Vehicle Involvement

Narrative

That on 10-17-13 at approx 17:30 hrs I Officer J Schmitt P # 3411 was dispatched on event # 131017-3097 at the location of 7731 Morning Cove CT, LVN 89131, reference a missing child.

The details of the call were the approx 2 yr old child Chloe Vidal was last seen at 09:00 hrs the same morning and that the P/R's ex-boyfriend Frank Vidal was watching the child and had fell asleep. The P/R Sandra Scharas had returned from work and discovered the child missing. A description was given of the child and the neighborhood was being checked. It was further noted the ex Frank woke up at 16:30 hrs and the front door was opened. 911 Call

While en-route a subsequent event came out right down the street event # 131017-3204 at [redacted] reference a sick or injured person. 911

The details of this call was the accidental drowning of a approx 18 month old child and that subjects were doing CPR on the child in the middle of the street. Medical had been requested and it did not appear the child was breathing. It was confirmed at the scene this was the missing child Chloe of the original event.

Upon my arrival at the above location Fire Rescue # 41 had already loaded the child into the back of their vehicle and stated they were headed to Centennial Hospital. It appeared the mother of the child was in the front seat of their vehicle.

I subsequently came in contact with witnesses Karl and David Davis who reside at [redacted] who told me that when they returned home they noticed a disturbance in front of their residence and it was discovered subjects were looking for a missing child. Karl had noticed a edible packet on their property which seemed out of place so she requested David check their own backyard. When David checked their pool area he noticed the pool cover folded over. Upon closer inspection he saw a leg, ran over and pulled a child out of the pool and carried the child as fast as he could into the front street for help. Where several other neighbors conducted CPR on the child until FD responded. (Voluntary statements and a consent to search were completed at the scene)

Witness Nicole Brown, who was visibly shaken, was standing in the street and I went over and asked her if she was involved in the incident. She stated she was in the neighborhood when she noticed a female (Sandra Scharas) franticly searching for a missing child. She allowed the female in her car to expedite the search for the missing child. While doing so a male approached her and asked what she was doing ? Sandra got into a verbal argument with this subject and subsequently told Nicole that was the ex boyfriend who was suppose to be watching the child. The male fled the area in a black SUV type vehicle. Nicole had state to Sandra she should go back to her residence and recheck her residence to confirm the child was not there. When doing so, that is the moment when Karl and David noticed the disturbance, David came running out of his backyard holding the child. (Voluntary statement obtained)

Neighbor Alecia Rangel had come outside, seen the incident unfolding and ran over to assist in doing CPR on the child. She over heard Sandra talking on the phone stating "[redacted]" (Voluntary statement obtained)

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

VOLUNTARY STATEMENT

PAGE 1

EVENT #: 131017-3204
131017-3097

SPECIFIC CRIME: ABUSE/NEGLECT WITH DEATH

DATE OCCURRED: TIME OCCURRED:

LOCATION OF OCCURRENCE:

CITY OF LAS VEGAS CLARK COUNTY

NAME OF PERSON GIVING STATEMENT: DAVID DAVIS

DOB: SOCIAL SECURITY #:

RACE: SEX:

HEIGHT: WEIGHT:

HAIR: EYES:

HOME ADDRESS:

WORK ADDRESS: PHONE 1:

PHONE 2:

The following is the transcription of a tape-recorded interview conducted by DETECTIVE E. HERNANDEZ, P# 7567, LVMPD ABUSE/NEGLECT SECTION, on 10/21/2013 at 20:58 hours.

Q: This is E Hernandez, number 7567. I am speaking with David Davis, uh, date of birth is [redacted]. We are at his residence. Uh, [redacted] Uh, his phone number is [redacted] uh, the event number is 131017-3204, uh, the time is 20:58 hours. Uh, we will be, uh, doing uh two statements. Uh, and uh, let me, uh, your - your wife is outside, correct?

A: Yeah.

Q: And what's - what's her name?

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
VOLUNTARY STATEMENT
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EVENT #: 131017-3204
131017-3097
STATEMENT OF: DAVID DAVIS

A: Kari, K A R I.

Q: K A R I. All right. Uh, same last name?

A: Yep.

Q: And her date of birth?

A: Um, [redacted]

Q: [redacted] All right, now briefly we just talked about generality, you lived her for six months? Is that correct?

A: Um, not quite six months.

Q: Okay, how about how long?

A: Five months.

Q: When'd you guys move in, do you remember the date?

A: June - first week of June. I don't remember the date.

Q: Okay. So the first week of June.

A: Yeah.

Q: Um, and do you own this home? Rent the home?

A: Uh, we rent the home.

Q: Rent the home? Okay. And uh, so why don't you briefly tell me, uh, what occurred today?

A: Um, I - we had just gotten home and I went upstairs and changed and came back down while my wife was checking the mail. And she came in kind of in a frantic

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

VOLUNTARY STATEMENT

PAGE 3

EVENT #: 131017-3204
131017-3097
STATEMENT OF: DAVID DAVIS

and said that there was a two year old missing. Um, so I ran in the other room. I have a two and a five year old, so my heart sank too. Um, and she told me that the mother had told her the two year old had been, um, that the mom had told her that she left her work this morning and had just gotten home and that the front door was open and the dad had passed out in the garage. Um, so I went and put my shoes on and ran out the door, got the stroller out. I put my two year old in it and grabbed the five year old and all four of us went walking through the neighborhood. And we were, uh, one street up when my wife said, "You know, when I let the dog out when we got home tonight, there was a Lunchable in the back yard. And we haven't had - I haven't bought Lunchable's in a - over a month." And um, she said, "We need to go back home and check the back yard." And we came back and I asked her to keep the kids back and I would just run back there real quick, and I was - I ran, uh, I went to the back of the pool because I had noticed on the right side of the pool there - there was 2 spots where the cover was kind of flipped up a little bit.

Q: Mm-hm.

A: And usually it's laying perfectly flat. And um, so I looked under the first part where it was lifted up, and there was nothing there and I went back by the water fall and lifted it up and there was nothing there. And, um, I don't know. I just thought to myself, I don't know, I got down and looked...

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
VOLUNTARY STATEMENT
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EVENT #: 131017-3204
131017-3097
STATEMENT OF: DAVID DAVIS

Q: Mm-hm.

A: Under, and didn't see anything, and I just thought to myself, "I'm just gonna yank it back away from the water fall." It looked like it had been moved quite a bit...

Q: Mm-hm.

A: ...back there. And when I pulled it - I just barely pulled it and her little foot popped out, uh, from under the cover. And then I realized my five year old was standing right behind me. And I - I mean, just in a panic I just grabbed the little girl and pulled her out of the water and you know, I ran her from the - I didn't know what to do so, I ran her down the side of the house here...

Q: Mm-hm.

A: And out into the street and when I got to the street I saw the mom standing there across the street, so I just kept running with her until I got to the corner over there, and I was just yelling that I don't know what to do. And somebody that knew what to do was there and I laid the little girl down and I put her on her side and I was patting her on the back...

Q: Mm-hm.

A: ...um, 'cause she had bubbles and stuff coming out of her nose.

Q: Right.

A: So I didn't know. I mean she looked like she'd been in there a while, but, I mean I don't know that.

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
VOLUNTARY STATEMENT
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EVENT #: 131017-3204
131017-3097
STATEMENT OF: DAVID DAVIS

Q: And she came back...

A: She came back just as I was get- I changed - I went up and changed while she was getting the mail and I was coming down the stairs while she - I was somewhere in here when she...

Q: Why'd you change?

A: Uh, I'd been dressed up all day.

Q: You were dressed up in like a tie and suit?

A: Well, kind of in what you're wearing. Dressed like a Detective?

Q: Okay. And what'd you change into?

A: What I'm wearing now.

Q: Pajamas?

A: Pajamas. My pajama pants.

Q: Is that how you went out looking for the child?

A: Oh, yeah. I dropped everything I was doing. I was sending - I was going back to get back on the computer and work.

Q: Okay.

A: And um, uh, yeah. I dropped what I was doing immediately. I couldn't find shoes quick enough so I took my socks off and put on sandals.

Q: All right.

A: I mean I wanted to get out the door.

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
VOLUNTARY STATEMENT
PAGE 9

EVENT #: 131017-3204
131017-3097
STATEMENT OF: DAVID DAVIS

Q: Okay.

A: But...

Q: You have a two year old and a five year old?

A: Mm-hm.

Q: What are their names?

A: Emma and Malia.

Det. Jogodka gives the names and birthdates of his boilogical daughters while posing as being a "David Davis"

Q: Emma is...

A: Five.

Q: What's her birthday?

A: Um, her birthday is 6-5-08. DOB of Emma Jogodka

Q: And Malia?

A: Her's is 5-6 uh, oh my goodness, 2012. DOB of Malia Jogodka

Q: Twelve?

A: Yes.

Q: So she's almost two? Or she's...

A: No, she's two. She just turned two, um, in May.

Q: May. Malia Davis. Okay. Um, so does - does Malia or Emma ever - Emma right?

A: Yeah.

Q: Uh, ever play with the little girl?

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
VOLUNTARY STATEMENT

EVENT #: 131017-3204
131017-3097
STATEMENT OF: DAVID DAVIS

A: So...

Q: So, you don't know this child, but you went out to looking for her?

A: I went out looking for a two year old sized kid.

Q: You have a two year old.

A: Curly black hair, and I knew that um, I was on the other side of the street already and Kari was still talking to the mom. And I said, "Ask what her name is." And she yelled back at me, "Chloe".

Q: Okay.

A: So, I mean, I knew nothing as far as who I was looking for, yeah.

Q: Have you ever seen anything suspicious or weird over at that house? Or do you know where they live?

A: I know where they live, yeah. Um, I...

Q: And we're not making - we're not making judgments here. We're not jumping to conclusions.

A: Yeah.

Q: But if there's a piece - a little piece of puzzle that - that will connect all the - the things, it will be helpful.

A: The only thing that it concerns me and I - I work in the field of drug addiction.

Q: Okay.

A: So, I - I work with addicts all day long.

wasn't looking.

Q: Okay.

A: Um, and I didn't see the diaper. Um, when I was yelling at my five year old, I didn't know what to do. I just needed her to get away from the situation. I was yelling at her to go inside, go inside. She was crying because she didn't know why I was yelling at her.

Q: Right.

A: And, um, she was back in the area around the door. That's the only other person that was back there.

Q: Okay.

A: Other than - I'm sure my wife will - she went out there for the dog, I'm sure she'll tell you but, um, those are between Emma and me.

Q: Okay.

A: We were the only two back there that I know of.

Q: All right. Do you have any questions for me? All right if you think of anything, or if uh, there's anything else you want to add further, please give me a call.

A: All right.

THIS VOLUNTARY STATEMENT WAS COMPLETED AT [redacted] ON THE 21ST DAY OF OCTOBER, 2013 AT XXXX HOURS.

EH:Nettranscripts

[redacted]

Note Type(s)

LAW ENFORCMENT

TCM Activity Type(s)

ASSESS NEEDS

Contact About

SCHARAS, SANDRA

VIDAL, FRANCISCO

Author: CUMMINGS, ROBERTA
Title: SR FAMILY SERVICES SPEC

~~On 10-17-2013 this writer met with LVMPD Cyndi Sauchek in person at Centennial Hills ER room # 38. Present in the room was the Coroner, CSI, A/N Sauchek, Sm and this writer. Sm was lying on her back naked except for pink summer sandals that were still strapped to her feet. They were worn on the soles.~~
~~The mother had been at work all day. She came home around 5:30pm and found the father asleep in the garage on the sofa. She could not find the child. She woke up the father who told the mother he last saw the child between 9am-10am this morning watching TV in the living room. The father told the mother he "passed out" and doesn't know anything else. The parents starting looking for the child. The father and the mother separately called the police and reported the child missing.~~

~~CSI reported talking to the neighbor that found Sm. He stated he and his wife and child were coming home for the evening around 5:30 or 6:00pm. They had been gone all day as both adults in the home work. That as they were going into their house Nm had been around the cul de sac asking if anyone had seen her daughter as she was missing. He went in his house to let his dogs out in the backyard. He noticed a empty "lunchables" container on his patio and that prompted him to look around his yard for the missing child as they do not have lunchables at their home. The neighbor relayed he was looking around his backyard. He had winterized his swimming pool by covering it with a pool cover. He looked in the direction of the pool and at first nothing was unusual then he saw the childs foot in the corner of the pool sticking out from under the pool cover.~~ The neighbor relayed that he rushed to the child and pulled her out of the water, he didn't want his 5yr old child to see what was happening so he took subject minor to the front yard and his wife called 911. He and another neighbor attempted CPR until the ambulance arrived. He doesn't know the child or the parents.

INITIATED EVENT #3204

The parents home is the corner home in a cul de sac. The residence the child was found was across the street and four houses down towards the end of the cul de sac. The gate to the backyard sits back from the front yard and was propped open by a piece of wood. It is theorized that the child may have squeezed through the gap in the gate to gain access to the backyard.

CSI reported no clothing was recovered so far. The child was transported in the ambulance in a towel provided by the neighbor wearing only her sandals.

Neighbor pictured with wife who made Initiating 911 call

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
VOLUNTARY STATEMENT
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EVENT #: 131017-3204
STATEMENT OF 911 CALLS

~~?:~~ ~~'s a~~

~~y, ah~~

~~to all~~

~~Q7:~~

~~?:~~

~~Q7:~~

~~?:~~

~~Q7: Bye now.~~

Operator: Thursday, October 17, 2013, 1919 and 03 seconds.

Q8: Metro police, (unintelligible) 558.

Q9: Hey, this is Detective Jogodka from Intel. AKA "DAVID DAVIS"

Q8: Hi.

Q9: Uh, I've been calling about that, uh, the 421 up in northwest.

Q8: Mm-hm.

Q9: Hey, my wife was the one that [CALLED 911] initiated- was helping out with CPR and I didn't know she's- I've been- I came in- back home to kind of counsel her, but I didn't know if anybody wanted to get a statement from her or if, um, abuse-neglect comes out, if they want to get a statement from her, um, to call- I can give you a

EVENT #3204

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

VOLUNTARY STATEMENT

EVENT #: 131017-3204
STATEMENT OF: 911 CALLS

phone number to call.

Q8: Sure, what's her name?

Q9: Uh, her name's Heather, and the last name is Jogodka, J-O-G-O-D-K-A. And
AKA Kari Davis
you can just call my- I'll give you my cell, it's, uh, (unintelligible), [redacted].
But we live in the community here, but if they need to get a hold of her, we - we
have to take care of our kids. Our kids saw all this happen too, so.

Q8: Oh my gosh, how old?

Q9: Uh, 2 and 5. MALIA & EMMA

Q8: Oh my gosh.

Q9: So they're pretty messed up. 5

Q8: Yeah, and what was your P#?

Q9: 7587.

Q8: 7587. Okay, um, I'm gonna go ahead and update that and then I'll let them
know, okay.

Q9: Awesome, thank you...

Q8: All right...

Full audio with photos
YouTube Videos: 01 Kari Davis statement October 17, 2013
02 911 call October 17, 2013
03 David Davis statement October 17, 2013

Q9: ...and have you heard...

Q8: ...thanks.

Q9: ...any update - any updates on her?

Q8: Uh, let's see, the last time I checked, um...

Q9: I know at 32 after they said that they didn't pronounce her 419 yet...

For audio of this 911 call by Det. Jogodka and audio of his wife's, Heather Jogodka, initiating 911 call, Review YouTube video's. It's clearly their voices on recorded audio of statements 'titled' Kari and David Davis.
You can't miss her Minnasota accent.

At least 20 individuals can identify Det. JOGODKA (pictured with family) as man who carried child into street & came to court to testify as "David Davis"

EMMA JOGODKA

HEATHER RENEE (JOGODKA) DAUGHTER OF METRO AREA COMAND LIEUTENANT THEODORE SNODGRASS

MATTHEW RONALD JOGODKA

- EMMA & MALIA'S GRANDMA
- HEATHER'S MOTHER
- WIFE OF LIEUTENANT THEODORE SNODGRASS
- PAM SNODGRASS

MALIA JOGODKA

METRO DETECTIVE MATTHEW JOGODKA P# 7587

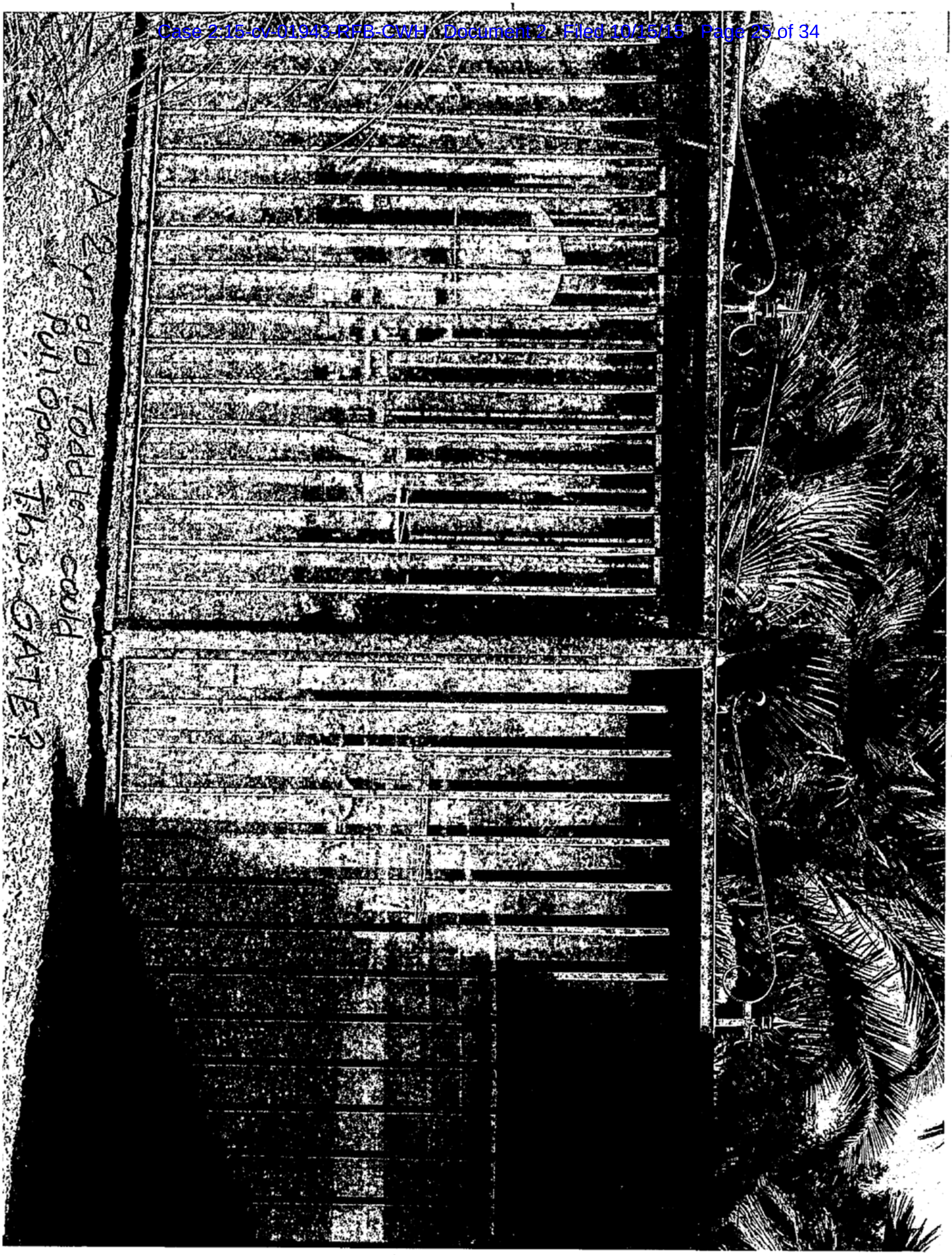
TESTIFING AS "DAVID DAVIS" MARCH 21, 2014

CLAIMS 2yr OLD, COULD HAVE PULLED OPEN GATE

CLAIMS ITS "THE ONLY POSSIBLE WAY"

CLAIMS HE NEVER WORKED AS LAW ENFORCEMENT

DEFENDENT GETS DUCT TAPE WRAPED AROUND HIS FACE WHEN HE ATTEMPS TO PRESENT INFORMATION SHOWING THE MANS TRUE IDENTIDY.


A 2yr old toddler could
pull open This GATE?

T-shirt and a pair of sandals.
Q No pants?
A No pants, no diaper.
Q Did you see pants or a diaper in the pool?
A No.
Q And how -- what was the potential access to the yard?
A It would have been difficult. The only thing I can -- I have to reference is my own two year old would have struggled to get back there, but it could happen.
Q And how -- what possibility -- what possible ways were there?
A Just through the one side gate.
Q And what was the issue with the side gate?
A No real issue. It just -- it's in the sand by two -- or in the rocks by two poles that slide down at the bottom, so it could have been pulled open.
Q Would that be the only possible way of getting in the backyard?
A The only possible way.
MS. HOLTHUS: Thank you.
Pass the witness.
THE COURT: All right.
Any cross?

THE DEFENDANT: Yes, sir. I would like to present --
MR. BOLEY: No.
THE DEFENDANT: I would like --
THE COURT: You know what, now you are going to get gagged.
THE DEFENDANT: I'm not trying to start nothing.
THE COURT: No, we are going to gag you.
THE DEFENDANT: I would like to cross-examine him.
THE COURT: No. You don't cross-examine him, your attorney cross-examines him.
You are now going to be gagged.
THE DEFENDANT: How is it that I don't get the right to cross-examine him at my prelim, at my preliminary?
THE MARSHAL: Put it on?
THE COURT: Yes, put it on.
THE DEFENDANT: No, man, you can't put duct tape on me.
THE COURT: Yeah, I warned you.
THE DEFENDANT: I asked --
THE COURT: You spoke out.
THE DEFENDANT: I have the right to

cross-examine, your Honor.
THE COURT: All right, counsel, do you have any questions?
MR. BOLEY: Yes, I do.

CROSS-EXAMINATION

BY MR. BOLEY:
Q Mr. Davis, you performed CPR on Khloe for a short period of time?
A Yes.
Q How long was it that you performed CPR?
A Probably only about a minute.
Q About a minute.
And then the lady, who you say is an RN, took over?
A Yes.
Q Okay.
You said that there's only one possible way for a child to have gotten into your backyard. Is that what you said before?
A Yes.
Q Is there a gate on the other side of the house?
A Yes, there is.
Q Is it possible that one could have popped

open somehow?
A There were cinder blocks on one side and bricks on the other side of that gate. I don't believe that it was possible for a child to go through on the other side.
Q So there were two gates, one on each side of your house?
A Yes.
Q Okay.
You said that your wife noticed a Lunchable on the back porch, right?
A Yes.
Q How long was it between when she noticed that and you pulled Khloe out of the pool?
A Probably somewhere within a half hour.
Q Okay.

(Off the record discussion not reported.)

Q (BY MR. BOLEY) What other things are around in the backyard pool?
A There is nothing around the pool, yeah, nothing around the pool.
Q What else is in your backyard?
A There is a play house, a couple bikes,

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some children's toys.

Q Okay.

So there was some toys back there?

A Yes.

(Off the record discussion not reported.)

(Defendant talking low through the tape to his attorney.)

Q (BY MR. BOLEY) Have you ever been employed by a law enforcement agency?

A No.

Q Never been a cop or never an agent of any --

A No.

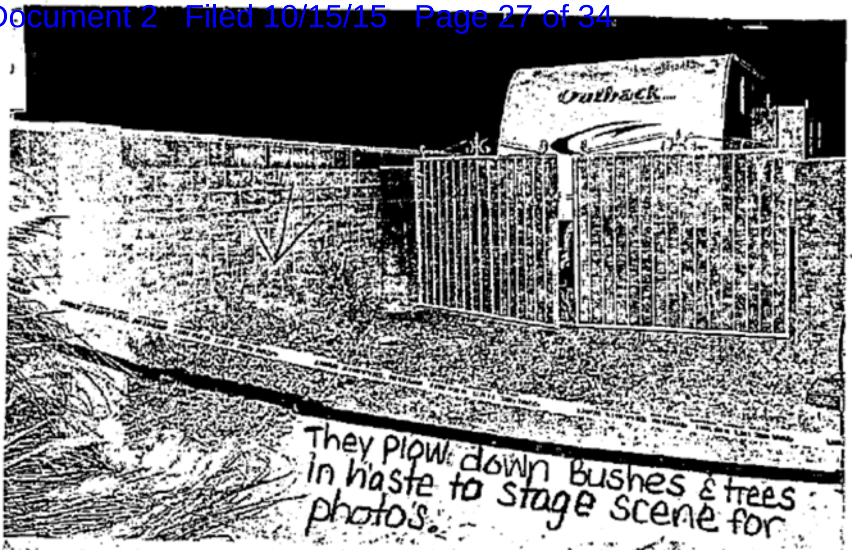
MR. BOLEY: That's all I have for him.

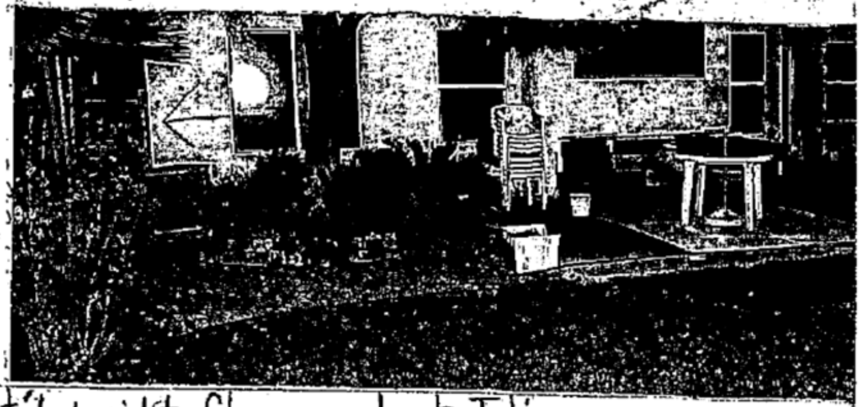
THE COURT: All right. State.

MS. HOLTHUS: Nothing else. Thank you.

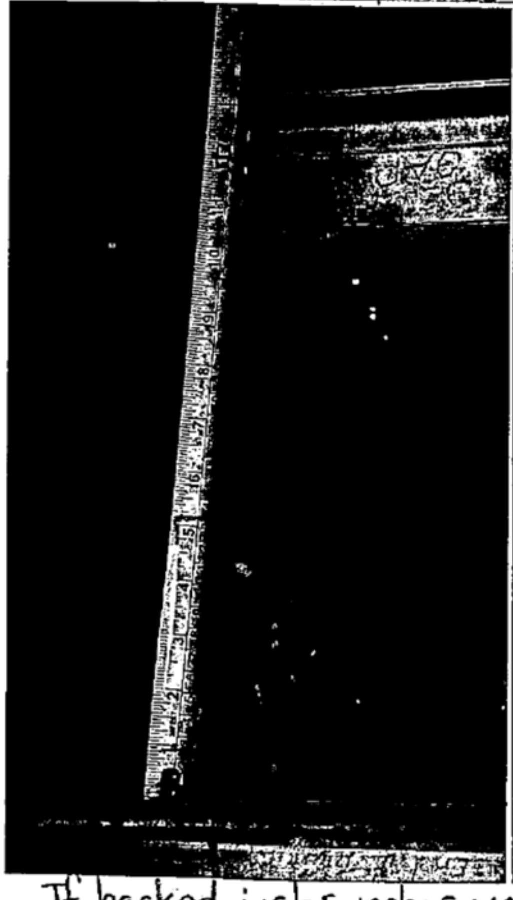
THE COURT: Sir, thank you for coming down here. Thank you for testifying here today. You are free to stick around to find out what happens. You are free to take off at this point.

THE WITNESS: Thank you.


Outback
They plow down Bushes & trees in haste to stage scene for photo's.



Neighbors will tell you trailer was brought late night after incident. It's COMMON knowledge amongst witnesses and neighbors that child got threw bars of Southside Gate. Day of incident, witness Mike Vidal, took photo's of Gate before the wire mesh was installed



If backed just 5 inches more, gate could close. Photo's show clear path. 5 inch Gap not convincing enough? They decide to make 10 inch Gap before taking measurements

Page 1 of 1

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

VOLUNTARY STATEMENT

Event # 131017-3097

THIS PORTION TO BE COMPLETED BY OFFICER

Specific Crime: ACCIDENTAL DROWNING	Date Occurred: 10/17/13	Time Occurred: 1730
Location of Occurrence: [redacted]	Sector/Beat: X1	☒ City ☐ County

Your Name (Last / First / Middle): DAVIS, DAVID, P		Date of Birth: [redacted]	Social Security #: [redacted]

Race	Sex	Height	Weight	Hair	Eyes	Work Schdl. (Hours)	(Days Off)	Business / School
WHITE	M	5'6"	170	BROWN	BLUE			

Residence Address: (Number & Street)	Bldg./Apt.#	City	State	Zip Code	Res. Phone: [redacted]
[redacted]		[redacted]	[redacted]	[redacted]	Bus. Phone:

Bus. (Local) Address: (Number & Street)	Bldg./Apt.#	City	State	Zip Code	Occupation	Depart Date (If visitor)

Best *place* to contact you during the day	Best *time* to contact you during the day	Can You Identify the Suspect? ☐ Yes ☒ No

DETAILS My wife informed me that there was a missing child. We walked the neighborhood and came back home. I checked the back yard and noticed that the pool cover was pulled back. When I moved it I found the girl. I carried her out to the Street where neighbors started CPR.

I HAVE READ THIS STATEMENT AND I AFFIRM TO THE TRUTH AND ACCURACY OF THE FACTS CONTAINED HEREIN. THIS STATEMENT WAS COMPLETED AT (LOCATION) S/A ON THE 17TH DAY OF OCT AT 1900 (AM / PM), 2013

Witness/Officer: [signature] 3411 (SIGNATURE)

Witness/Officer: S/A (PRINTED) P#

[signature] SIGNATURE OF PERSON GIVING STATEMENT

LVMPD 85 (REV. 9-08)

DS - 000157

Page 1 of 1

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

VOLUNTARY STATEMENT

Event # 131017-3097

THIS PORTION TO BE COMPLETED BY OFFICER

Specific Crime	Date Occurred	Time Occurred
ACCIDENTAL DROWNING	10/17/13	1730

Location of Occurrence	Sector/Beat	City/County
[redacted]	X/V6	☒ City ☐ County

Your Name (Last / First / Middle)	Date of Birth	Social Security #
Davis Kari Frances	[redacted]	[redacted]

Race	Sex	Height	Weight	Hair	Eyes	Work Schd. (Hours)	(Days Off)	Business / School
White	F	5'3	180	brown	blue			

Residence Address: (Number & Street)	Bldg./Apt.#	City	State	Zip Code	Res. Phone: / Bus. Phone:
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	

Bus. (Local) Address: (Number & Street)	Bldg./Apt.#	City	State	Zip Code	Occupation	Depart Date (if visitor)

Best place to contact you during the day	Best time to contact you during the day	Can You Identify the Suspect?
Phone Any →		☐ Yes ☒ No

[redacted]

DETAILS: I was outside with my children when a SUV drove up and asked if we had seen a 2 year old girl with dark curly hair. I went inside and got my husband so that we could help search for the girl on foot. Shortly after I recalled seeing a [illegible] that was not ours on our back porch when I let our dog out and told my husband to go check the backyard. I had not even got back to my house when I saw my husband running with the child. The child was brought to the mother and another neighbor began CPR.

I HAVE READ THIS STATEMENT AND I AFFIRM TO THE TRUTH AND ACCURACY OF THE FACTS CONTAINED HEREIN. THIS STATEMENT WAS COMPLETED AT (LOCATION) S/A

ON THE 17 DAY OF OCT AT 1900 (AM / PM), 2013

Witness/Officer: Bunnell 3411 (SIGNATURE)

Witness/Officer: S/A (PRINTED) P#

Kari Davis
SIGNATURE OF PERSON GIVING STATEMENT

LVMPD 86 (REV. 8-08)

LA 'GAS METROPOLITAN POLICE DEPARTMI

CONSENT TO SEARCH FORM

Date: 10/17/13

Event #: 131017-3097

I, Davis, David P., having been informed of my right not to have a search made of the premises/property listed hereafter without a search warrant issued by a court of jurisdiction, and of my right to refuse to consent to a search for items directly or indirectly related to the investigation of:

Accidental Drowning

do hereby voluntarily consent to a search of Address/Description:

7742 Morning Cove Ct, LV 89131

Backyard, Pool Area, Sideyard

for the following:

Photos and Evidence Collection

[signature]

SIGNATURE

WITNESS:

Officer J Schmitt #3414

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
CONSENT TO SEARCH FORM

Date: 10/17/13

Event #: 131017-3097

I, DAVIS, DAVID P, having been informed of my right not to have a search made of the premises/property listed hereafter without a search warrant issued by a court of jurisdiction, and of my right to refuse to consent to a search for items directly or indirectly related to the investigation of:

ACCIDENTAL DROWNING
1. 2.

do hereby voluntarily consent to a search of Address/Description:

7742 MORNING LOVE CT, LVN 89131
BACKYARD, POOL AREA, SIDEYARD

for the following:

PHOTOS AND EVIDENCE COLLECTION
3.

4.

SIGNATURE

4. Fake Sig
Forged
← By:

WITNESS:

OFFICER J SCHNITT #3411

3. 1. 1. 4.
2.

← Frm Kari Statement

Frm David Statement →

4

I'm sure an expert would agree that all these letters were created by the hand of one man.

Mary K Holthus & Cinthia Sauchak Make Threats to Defendants family Outside the courtroom coherce Defendants brother Mike Vidal to give up documents threatening to arrest him if he refused to give up possesion of documents defendant had mailed him.

Inside the court they make the defendants family & supporters (who were not witnesses in the case) Leave the courtroom. They are told that they will not be allowed to return.

Witnesses of this Missconduct:
Gaylene Crayton 702 526 6500
Mike Vidal 702 371-6550
Sandra Schacas 702 416-4290

They take the defendants legal paper work showing Detective Matthew Jogodka's Involvement in this case. Then they revoke the defendants communication with the outside

Today is the date and time for the preliminary hearing. State's ready to proceed. We expect you to be ready to proceed.

MR. BOLEY: I am ready to proceed.

THE DEFENDANT: All right, let's do it.

MS. HOLTHUS: Judge, I'm going to ask -- he's got some documents. I'm going to ask if the Court can take those into custody at this point. I'm not sure what is going on with them.

THE COURT: All right, I warned you, okay.

THE DEFENDANT: I'm not --

THE COURT: If you want to, we will tape you right now.

THE DEFENDANT: Yes, sir.

THE COURT: What does he have?

THE DEFENDANT: Five legal documents from my discovery.

THE COURT: Well, I want to see what the legal documents are. I want to make sure there are no phone numbers. I want to make sure nobody's addresses are in there.

PATSY K. SMITH, OFFICIAL COURT REPORTER
(702) 671-3795

MS. HOLTHUS: My understanding is he was trying to get those to his family members. I can tell you I interviewed the family members this morning. I think we need to have all the witnesses leave the courtroom, please.

Family Removal

He is disseminating discovery, including witnesses' phone numbers. Our witnesses are getting contacted on numbers that only come through the discovery and they are coming from the detention center.

THE DEFENDANT: And supposedly these witnesses aren't even witnesses in this case, so why is it now that these persons are getting contacted if they are not even involved in the case? How is that possible or is now the State making admissions that people not supposedly involved are actually involved in this case and has falsified all the information in discovery.

MS. HOLTHUS: Our Abuse & Neglect Specialist, Ms. Sauchak, who is working on this case, has been sitting in court this morning and the defendant is giving her a threat by --

THE DEFENDANT: No, no --

THE REPORTER: Hey, I can't take you both.

THE DEFENDANT: Sorry.

MS. HOLTHUS: He is dragging his finger across his throat in a slitting motion and pointed to documents that he has in his possession.

PATSY K. SMITH, OFFICIAL COURT REPORTER
(702) 671-3795

THE DEFENDANT: I was pointing to her name on the paperwork with the falsified information. She knows that. She told her, I saw it while she told it to you. This is a lie. I did not put my finger across my neck. I showed her name on the paper, yes. I slapped my finger back and forth on her name, not the neck, but she duly swears that the testimony in that police report is under truth.

She is under oath and has falsified the names and information in that document and I was pointing to her where she swears under oath that what she says in that document is truthful. I did not put no finger sliding on my neck. It was on her to swear under the penalty of perjury under her name. Yes, I did show her I had her document with all her lies.

I'm not acting up, your Honor. I just think this does need to be addressed. It's very --

MS. HOLTHUS: I'm going to ask that his phone privileges at the jail be revoked and restricted and can only talk to counsel --

MR. BOLEY: And, your Honor --

MS. HOLTHUS: -- and visitation.

THE DEFENDANT: Your Honor, I would see no reason to do so. I haven't made any threats. I haven't caused anybody hardship. Nothing, nothing. Nobody has had

PATSY K. SMITH, OFFICIAL COURT REPORTER
(702) 671-3795

hardship but me and now my poor baby's mother, who is being put all through this, an innocent woman who just lost her child grieving.

MR. BOLEY: And, your Honor --

THE DEFENDANT: I feel guilty for what happened. You know, nothing is going to change that I was there.

MR. BOLEY: I wouldn't say that.

THE DEFENDANT: Regardless of that, I have nothing to hide about me falling asleep. It's an accident. I didn't mean my child to walk outside into Detective Chotoba's (phonetic) pool. I didn't mean for that to happen, but the fact after you guys -- after the detective came to the scene and the other detectives got together -- get together and do this, that's not fair. That's not fair to cover a falsified report.

THE COURT: All right, I have got a voluntary statement by a witness. For some reason, in pencil, is his date of birth, race, height, color of hair, home address, work address, that he is male, and his phone number have been written in pencil on this piece of paper.

THE DEFENDANT: It's actually pen, but, yeah, that's what I got off Davis -- David's voluntary handwritten statement. That's all the information off of that and I just put it on that. It's the statement of

Davis.

THE COURT: You are not allowed to have that information.

THE DEFENDANT: Well, I have it. I have the handwritten statements. The handwritten statements clearly have height, you know, race, dah-dah-dah, and so forth. It just wasn't put in on the statement, so I filled it in right there.

MS. HOLTHUS: Those were the documents that he was attempting to give to his family members here this morning. He was stopped by the marshal and he had previously mailed similar documentation having other witnesses' phone numbers on it and those were the witnesses that got phone calls --

THE DEFENDANT: I don't have --

MS. HOLTHUS: -- from the detention center.

THE DEFENDANT: I don't have nothing that wasn't blacked out. Whatever sensitive information was blacked out, it was blacked out. Whatever wasn't, it wasn't. So I mean --

MS. HOLTHUS: It doesn't matter what he has, Judge.

THE DEFENDANT: I'm going to share my case with my family.

MS. HOLTHUS: It's about what he is doing with the information, Judge. He's reaching out, in our position, intimidating witnesses.

THE DEFENDANT: I haven't intimidated or talked to anybody.

MR. BOLEY: Frank, quiet.

What the State knows is that a detective from Metro got calls from the Las Vegas jail. They do not know if Frank or a lot of people in that jail would have incentive to try to get a hold of this police officer.

THE COURT: It's simple. Those calls have unique identifiers on them.

MR. BOLEY: If being --

THE COURT: When you are going to jail, when anybody calls, it's specific to that person, okay. It could not be anyone else but him because that's what goes through the phone. It's his identifier.

THE DEFENDANT: Well, does it say that? Do we even know or was it somebody else who actually has a different name?

THE COURT: All right, first of all, given the information that's in here, I'm taking this away.

Second, your phone privileges are revoked. Your mail privileges are revoked. The only person you can talk to his your attorney.

THE DEFENDANT: How are my mail privileges going to be revoked?

THE COURT: You can't send out your mail to anybody but your attorney.

THE DEFENDANT: But he is not going to give anything to my family.

THE COURT: There is a reason for that.

THE DEFENDANT: This is further injustice, unbelievably. There is no reason that I can't share documents with my family or any letters with my family for that fact. You guys have already cut me off to the outside world enough as it is, scared my wife, mother of my child, not to be speaking with me, and you got an innocent woman to plead guilty to something that she is not guilty of just by scaring her with prison time. It's not fair.

THE COURT: All right, that's the Court's decision. We are taking your legal papers at this point. No more outside phone calls. The only person you can call is your attorney. The only person you can send mail to is your attorney.

THE DEFENDANT: That is complete -- that is completely not right, your Honor, and --

THE COURT: Well, that's the Court's decision. That's it on that.

MS. HOLTHUS: Our firs[illegible]

[illegible]
PO Box 650
Indian Springs NV 89070

FOREVER
FOREVER

US District Court Clerk
333 Las Vegas Blvd, South
Las Vegas, Nevada 89101